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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDINGS CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

**SANTA ROSA MALL, LLC'S MOTION FOR AN ORDER SHORTENING NOTICE WITH
RESPECT TO EMERGENCY MOTION TO COMPEL COMPLIANCE WITH THE COURT'S
FEBRUARY 8, 2019 SALE ORDER**

TO THE HONORABLE COURT:

COMES NOW, Santa Rosa Mall, LLC ("Santa Rosa Mall") through their undersigned counsel, and respectfully state and pray as follows:

1. On this same day, Santa Rosa Mall filed an *Emergency Motion to Compel Compliance with the Court's February 8, 2019 Sale Order* (the "Emergency Motion", Docket No. 3417), requesting the Court enter an order compelling the Debtors and Transform Holdco LLC (the "Buyer") to comply with the February 8, 2019 *Sale Order* (Docket No. 2507).

2. As detailed in the *Emergency Motion*, the Buyer's Designation Deadline for the possible assumption and assignment of Store No. 1915's *Lease Agreement* expires on April 30, 2019 and there is an ongoing dispute regarding whether any insurance proceeds will be transferred to the Buyer. Absent an order granting the relief requested herein, Store No. 1915's assumption is at risk. Santa Rosa Mall fully incorporates the *Emergency Motion* as if fully transcribed herein.

3. Santa Rosa Mall understands that the next hearing date in the instant case is May 16, 2019, and the next Omnibus Hearing date is scheduled for May 21, 2019, and that a motion seeking to shorten the notice of the hearing is necessary for the *Emergency Motion* to be heard. Given the extreme urgency of the *Emergency Motion*, we respectfully request that this matter be heard at the first possible opportunity.

4. By this *Motion to Shorten*, Santa Rosa Mall requests entry of an order, pursuant to Bankruptcy Rule 9006(c), shortening the notice period with respect to the *Emergency Motion* filed contemporaneously herewith, and setting the date and time for a Hearing on the *Emergency Motion* at the first possible opportunity during the first week of May 2019.

5. Bankruptcy Rule 9006(c) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c).

6. This Court has allowed parties to file motions seeking relief, including to lift the automatic stay, on shortened notice. In re Metro Affiliates, Inc., Case No. 13-3591 (SHL) (Bankr. S.D.N.Y. Dec. 3, 2013) (granting motion for order shortening notice period for certain emergency relief from automatic stay); In re MF Global Holdings Ltd., Case No. 11-15059 (MG) (Bankr. S.D.N.Y. Nov. 14, 2011) (granting motion for order shortening notice for hearing to consider motion for conditional relief from automatic stay); In re Celeste Wenegieme, Case No. 16-12354 (LJG) (Aug. 24, 2016) (granting application to shortening time to notice hearing to terminate automatic stay). Also see In re 919 Prospect Ave LLC, Case No. 16-13569-SCC (Bankr. S.D.N.Y. Jan. 19, 2017) (granting motion for order to show cause shortening notice and scheduling hearing to consider emergency motion for order granting relief from automatic stay).

7. In the instant case Santa Rosa Mall respectfully requests the notice period for the *Emergency Motion* be shortened to the first possible opportunity during the first week of May 2019.

8. Santa Rosa Mall believes that no interested parties will be prejudiced by the shortened notice and that Santa Rosa Mall will be severely prejudiced if this matter is not heard on an expedited basis.

9. All parties in interest are aware that the Buyer is contemplating the assumption and assignment of Store No. 1915's *Lease Agreement*.

10. Based on the foregoing, Santa Rosa Mall respectfully submits that cause exists to shorten the notice period with respect to the *Emergency Motion*.

11. For this Court's consideration, a proposed *Notice of Hearing* and a proposed order granting the relief requested herein are attached hereto as **Exhibit I** and **Exhibit II**, respectively.

Notice

12. Notice of this *Motion to Shorten* will be provided in accordance with the *Amended [] Case Management Procedures Order* (Docket No. 405). Santa Rosa Mall respectfully submits that no other or further notice is required.

13. No previous request for the relief sought herein has been made by Santa Rosa Mall to this or any other Court.

WHEREFORE, Santa Rosa Mall respectfully prays the Court to enter the order granting the relief requested herein and such other and further relief as is just and appropriate.

Respectfully submitted.
Dated: April 29, 2019.

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